S.N. 09/665,303 Filed: September 19, 2000

RESPONSE TO OFFICE ACTION

Remarks

The present RCE submission includes the attached Declaration under 37 CFR § 1.132.

Claims 3-7, 11, 14, 49, 52, and 56 are allowed. Claims 13 and 26 are objected to.

Claims 1, 2, 8, 10, 12, 15, 16, 18, 19, 21, 23, 24, 43-47, 50, 51, and 53-55 are rejected under 35

U.S.C. § 103(a) as obvious over WO 97/34697. For convenience, U.S. Patent No. 6,114,658 to

Roth et al. (hereinafter "Roth") shall be referenced herein and considered an English-language

equivalent of WO 97/34697. The rejection is respectfully traversed.

The attached Rule 132 Declaration by internationally renowned scientist Robert S.

Langer evidences that the Examiner's rejections are not supported in fact and must be

withdrawn. Dr. Langer's Declaration shows that the rejection is improperly based on hindsight

reconstruction in view of applicants' specification, because nothing in Roth would motivate one

ordinary skill in the to modify its device to derive an implantable device for drug delivery as

claimed by the present applicants. Accordingly, the Patent Office not met its burden, and no

proper prima facie case of obviousness has been established.

Allowance of claims 1-8, 10-16, 18, 19, 21, 23, 24, 26, 43-47, and 49-56 is therefore

earnestly solicited.

Respectfully submitted,

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Date: August 16, 2004

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